

**IN THE UNITED STATES DISTRICT COURT
FOR DISTRICT OF DELAWARE**

Nationwide Mutual Fire Insurance Co., as subrogee of Robert and Lynn Sharkey, One Nationwide Drive Columbus, OH 43215-2220,	:	
Plaintiff,	:	
v.	:	
Sears, Roebuck and Co. 3333 Beverly Road Hoffman Estates, IL 60179,	:	
Defendant.	:	
	:	CIVIL ACTION NO. 1:07-CV-00153-JJF
	:	JURY TRIAL DEMANDED

JOINT PROPOSED RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed.R.Civ.P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by April 30, 2008 the information required by Fed.R.Civ.P. 26(a)(1) and D.De.LR 16.1.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before April 30, 2008.
3. **Settlement Conference.** Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge _____ for the purposes of exploring the possibility of a settlement. If the parties agree that they would benefit

from a settlement conference, the parties shall contact the Magistrate Judge to schedule a settlement conference so as to be completed no later than the Pretrial Conference or a date ordered by the Court.

4. Discovery.

(a) Initial Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by July 31, 2008. Additional interrogatories and document requests shall be commenced so as to be completed by October 30, 2008.

(b) Maximum of 35 interrogatories by each party to any other party.

(c) Maximum of 20 requests for admission by each party to any other party.

(d) Maximum of 10 depositions by plaintiff and 10 by defendant. Depositions shall not commence until the initial discovery required by Paragraph 4 (a, b and c) are completed.

(e) Reports from retained experts required by Fed.R.Civ.P. 26(a)(2) are due from the plaintiff by November 14, 2008, and by the defendants by December 14, 2008.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than thirty (30) days from receipt of said expert's report, unless otherwise agreed in writing by the parties.

5. Non-Case Dispositive Motions.

(a) Any non-case dispositive motion, along with an Opening Brief, shall be filed with a Notice of Motion. The Notice of Motion shall indicate the date on which the movant seeks to have the motion heard. The hearing date selected shall allow time for filing of the motion, allow for briefing in accordance with the Federal and Local Rules, and shall permit all briefing to be filed no later than 12:00 noon the Friday before the motion day on which it is to be heard. Available motion dates will be posted on the Court's website at:

<http://www.ded.uscourts.gov/JJFmain.htm>.

(b) At the motion hearing, each side will be allocated ten (10) minutes to argue and respond to questions from the Court.

(c) Upon filing of the Notice of Motion, a copy of said Notice shall be sent to Chambers by-email at:

Jjf_civil@ded.uscourts.gov

6. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before April 30, 2008.

7. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before March 20, 2009. Briefing shall be pursuant to D.Del.LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1 and be made in accordance with the Court's February 1, 2008 Order on Procedures for filing non-dispositive motions in non-patent cases (pro se cases excluded). Briefs shall be limited to no more than ten (10) pages. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing.

The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. the e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties' and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

Date

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NATIONWIDE MUTUAL FIRE
INSURANCE CO., as subrogee of
ROBERT SHARKEY and LYNN
SHARKEY,

Plaintiff,

V.

SEARS, ROEBUCK AND CO., a
Massachusetts Corp.,

Defendant.

C.A. No.: 1:07-CV-00153 JJF

CERTIFICATE OF SERVICE

The undersigned certifies that two copies of the attached Joint Discovery Order were served on counsel for the plaintiff by regular, first class, pre-paid U.S. mail on April 1, 2008:

Gary W. Aber, Esquire
Aber, Goldlust, Baker & Over
702 King Street, Suite 600
PO Box 1675
Wilmington, DE 19801

/s/ William R. Adams
William R. Adams, Esquire
Counsel for Defendant,
Sears, Roebuck and Co.